

REMARKS/ARGUMENTS

Applicant submits this paper in response to the final Office Action dated April 16, 2009 and the Advisory Action dated June 29, 2009. Claims 1 – 10 are pending in this application.


As shown in the above claim amendment, Applicant has amended Claim 10 relative to the language of issued Claim 10 pursuant to 37 C.F.R. § 1.173(g). This amendment differs from the previous amendment of Claim 10 in that Applicant has not removed the phrase “longitudinally extending” from paragraph (d) of Claim 10. Therefore, Applicant avers that he has not recaptured any subject matter surrendered during the original prosecution.

Applicant notes that the Examiner indicated in the Advisory Action dated June 29, 2009 that Applicant had overcome the rejection of Claims 1 – 10 based on a defective reissue oath. Applicant avers that his amendment to Claim 10, *supra*, overcomes Examiner’s rejection of Claim 10 under 35 U.S.C. § 251. Finally, Applicant has submitted herewith a terminal disclaimer to overcome Examiner’s rejection of Claims 2 – 10 on the grounds of nonstatutory obvious-type double patenting. Therefore, Applicant avers that the reissue application is in condition for allowance and earnestly solicits same.

If any additional fees are due in connection with the filing of this paper or the accompanying papers, such as fees under 37 C.F.R. §§ 1.16 or 1.17, please charge the fees to SGR Deposit Account No. 02-4300, Order No. 043850.016. If an additional extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The additional extension fee also should be charged to SGR Deposit Account No. 02-4300, Order No. 043850.016. Any overpayment can be credited to Deposit Account No. 02-4300, Order No. 043850.016.

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

By: 
Dana T. Hustins, Reg. No. 62,069

Dated: July 16, 2009
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592
Telephone: (404): 815-3564
Facsimile: (404): 685-6864